

**GOVERNMENT OF ANDHRA PRADESH
ABSTRACT**

Suits-Andhra Pradesh Administrative Tribunal OA.No.6625/04 with MA.No.1193/06 filed by Sri B.Jaman Singh and 5 others for extending the scale of Rs.1010-1800 under New Common Categories in PRC, 1986 as per G.O.Ms.No.288, Finance & Planning (FW.PRC.I) Department, dt.17.11.1986-Orders-Issued.

IRRIGATION AND COMMAND AREA DEVELOPMENT(SER.V)DEPARTMENT

G.O.Ms.No.

Dated: .08.2008.
Read the following:

1. From APAT, order, dt.13.03.2007 in OA.No.6625/04 with MA.No.1193/06.
2. From the Commr., Plg.&Dev. Of Godavari Basin, Hyd., Lr.No.C3/OA.No.6625/04, dt.12.04.07.
3. From the Commr., Plg.&Dev. Of Godavari Basin, Hyd., Lr.No.C3/OA.No.6625/04, dt.05.05.07.
4. Govt.Memo.No.12829/Ser.V.2/2007-1, dt.11.05.07.
5. From the ENC(IW)Lr.No.ENC/IW/P&M/EE.III/W1/877/06, Vol.4, dt.02.06.07.
6. From the ENC(IW)Lr.No.ENC/IW/P&M/EE.III/W1/877/06, Vol.4, dt.16.10.07.
7. Govt.Memo.No.12829/Ser.V.2.2007-3, dt.06.02.08.
8. From the Commr.Plg&Dev.Godavari Basin, Hyd., Lr.No.C3/OA.No.6625/04, dt.15.04.08.

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O R D E R:

In references 2nd and 3rd read above, the Commissioner, Planning & Development of Godavari Basin, Hyderabad has stated that Sri B.Jaman Singh & 5 others (All Work Charged Establishment of RW & M Division, Hyderabad) have filed O.A.No.6625/04 for extending the time scale of Rs.1010-1800 in PRC 1986 on par with Roads & Buildings, Panchayat Raj Departments as they possessed ITI qualification. The Hon'ble Andhra Pradesh Administrative Tribunal, in its Judgment dt.13.03.2007 in OA.No.6625/04 with MA.No.1193/06 has directed the respondents as follows:

"perused the order dated 14.9.2006 passed in O.A.No.635/2005 by the tribunal which was relied upon by the learned counsel for the applicant and found that the subject matter involved in the present case is virtually similar to that the subject matter involved in O.A.No.635/05 which was disposed of, following the order dated 4.2.2003 made by this Tribunal in O.A.Nos.4206/99 . The ratio laid down by the Tribunal in O.A.635/05 shall be extended to the present case as identical situations including factual and legal position is obtaining in the present case. There are no two opinions to express that the respondents are bound to consider the cases of applicants for giving the scales of pay on par with similarly situated persons working in other departments other than Irrigation Department and monetary benefits be given to them from the date of filing of OA as already the order made on 4.2.2003 in O.A Nos.4206/92 and batch has been confirmed by not only the Hon'ble High Court but also the Hon'ble Supreme Court. Thus, the order of the Tribunal made on 4.2.2003 had become final. Therefore, the respondents in the present case have no other alternative except to implement the orders made by the Tribunal. Though the respondents have stated in the counter that some of the applicants have retired from service, they are directed to take action to implement the orders of the Tribunal

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expeditiously and ensure finalization of pension cases in respect of the applicants who were retired. The O.A. is accordingly disposed of with the

above directions. In view of the orders passed in the OA, MA also stands disposed of No. costs."

The ITI Trade Certificates possessed by the applicants were found genuine as per the Commissioner of Employment & Training BRK Bhavan, Hyderabad, vide his letter No.T3/16363/06 dt.15-11-06 and Letter No.13/16362/06, dt.21.4.2007. An amount of Rs.5,20,000/- will be incurred to implement the orders passed by the Hon'ble Andhra Pradesh Administrative Tribunal in O.A.No.6625/04.

He has, therefore requested the Government to communicate the orders for implementation of court orders for extending the pay scale of Rs.1010-1800 to the above ITI qualified persons at an early date to avoid contempt of court.

2. In the references 5th, 6th and 8th read above, while reiterating the orders of APAT dt.23.10.07 in OA.No.7537/06 and 04.02.03 in OA.No.4206/92 the Engineer-in-Chief (IW) has requested the Government, to review and re-consider the whole case including the G.O.s issued on this subject viz. G.O.MS.No.551, dt.6.8.06 & G.O.Rt.No.1096, dt.1.08.2006 and other G.O.s issued and to take necessary action in terms of G.O.Ms.No.288, Finance & Planning(FW.PRC.I) Department, dt.17.11.1986 for implementing the scale of pay Rs.860-1470 to all the qualified persons in RPS 1986 instead of Rs.1010-1800 scale of pay. If necessary opinion of Law Department, may be obtained in the matter at the earliest to come to a decision at the earliest to avoid further legal complications. He has also requested to get the discrepancy verified in the scales in between category of Sl.No.1 to 3 and 4 to 12 of New Common Categories issued in G.O.Ms.No.288, Fin. & Plg. Department, dt.17.11.1986 with the note file of the originating department. After verification with Finance Department, if the scale of pay prescribed vide Sl.No.4 to 12 in confirmed as 1010-1800 "for qualified", the same may be implemented to the individuals eligible as per directions of Hon'ble APAT.

3. In the reference 8th read above, the Commissioner, Planning & Development of Godavari Basin, Hyderabad has stated that the petitioners in OA.No.6625/04 viz. Sri B.Jaman Singh and 5 others are covered under G.O.No.107, Public Works (LL.I)Department, dt.07.02.1974 under Mechanized workshop and repairs.

4. After careful examination of the matter Government, hereby direct the Commissioner, Planning & Development of Godavari basin, Hyderabad to extend the scale of Pay of Rs.1010-1800 to the following applicants for possessing the genuine ITI certificates from the dates mentioned against their names.

1. Sri B.Jaman Singh - Foreman(W.e.f 1.07.1986)
2. Sri Henry Sam - Fitter Grade.II (W.e.f. 01.07.1986)
3. Sri A. SrinivasaRao-TradesmanGrade.III (W.e.f.16.11.86)
4. Sri V.V.Tatacharyulu - Asst. Foreman(W.e.f.1.07.1986)
5. Sri Syed Yakoob - Fitter Grade.II (W.e.f. 15.01.1994)

5. The above applicants are eligible the pay scale of Rs.1010-1800 notionally up to filing of the OA and the monitory benefit from the date of filing of OA.

6. The Commissioner, Planning & Development of Godavari Basin, Hyderabad shall take necessary further action in the matter accordingly.

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This order issues with the concurrence of Finance(PC.I)Department, vide their U.O.No.13250/162/A1/PC.I/08, dt.10.07.08.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

S.P.TUCKER
SECRETARY TO GOVERNMENT

To

The Commissioner, Planning & Development of Godavari Basin, Hyderabad.

Copy to: The Engineer-in-Chief(IW), Hyderabad.

SF/SC.

//Forwarded::Byorder//

SECTION OFFICER